

CHAPTER 31
PUBLIC-OWNED LAKES ELIGIBILITY PROCESS

[Prior to 12/31/86, Conservation Commission[290] Ch 76]

571—31.1(456A) Purpose. The purpose of this chapter is to set forth the policy and procedures to be utilized by the department of natural resources to establish and maintain a priority list of watersheds above publicly owned lakes and reservoirs where private landowners are eligible to receive cost sharing to provide state funding of 75 percent of the cost of approved permanent soil and water conservation practices from funds set aside in appropriations for the department of agriculture and land stewardship, division of soil conservation.

571—31.2(456A) Definitions.

“*Commission*” means natural resource commission.

“*Director*” means the director of the department of natural resources.

“*List*” means the priority list of watersheds above publicly owned lakes and reservoirs eligible to receive cost-share funding under the public-owned lakes program.

“*Mean lake depth*” means water depth calculated by dividing the lake volume, determined by adding the volumes between consecutive depth contours, by the lake surface area.

“*Nonpoint pollution*” means water pollution resulting from soil erosion, precipitation, natural flooding, or snow melt where the pollution itself is not traceable to a discrete, identifiable source.

“*Tolerance level*” means a level of soil erosion where the controllable erosion in a watershed is at or below the “T” level as defined by the U.S. Natural Resource Conservation Service and as determined by the local soil and water conservation district.

571—31.3(456A) Eligibility review and selection procedures. The following procedures shall be followed by the department of natural resources to establish and maintain the list.

31.3(1) Review and selection committee. A review and selection committee composed of the parks, recreation and preserves division administrator, as chairperson, one staff member from the fisheries bureau, one staff member from the land acquisition and management bureau, one member of the Iowa Association of County Conservation Boards, as appointed by the director, the fish and wildlife division administrator, and the forests and forestry division administrator shall determine the watersheds that shall be recommended to the commission for inclusion on the list.

31.3(2) Periodic review. The review and selection committee shall meet a minimum of once each year to review the status of the list. A report of the list status and its recommendations for continuing or amending the list shall be submitted annually to the commission and to each soil and water conservation district prior to the regularly scheduled commission meeting in the month of April.

31.3(3) Rating system. The review and selection committee shall consider the following criteria to determine its recommendations for eligibility, based on information determined by the department.

Lake surface area.

Ratio of lake watershed area to lake surface area.

Nonpoint pollution, expressed as the lake sedimentation rate.

Length of time necessary to attain the tolerance level, based on program funding.

Mean lake depth.

Public benefit.

Local landowner initiative.

Establishment of the tolerance level.

Lakes having a surface area of 10 acres or greater and having a ratio of watershed area to lake surface area of less than 100:1 shall be rated.

Watersheds shall be rated according to the following primary formula:

$$\text{Rating} = 6(\text{SED}) + 3(\text{Ti}) + 2(\text{D}) + 5(\text{PB})$$

Where: SED = an assigned value of 0 to 100 points based on the rate of lake sedimentation, determined by dividing the average annual inflow of lake sediments by the lake area and assigning 0 points to the lowest rate, 100 points to the highest rate and assigning others by proportion based on where their rate falls between the highest and lowest rate.

Ti = an assigned value based on the time period in years to attain the tolerance level, determined by dividing the estimated cost to reach the tolerance level by the estimated annual funds available equally to the number of watersheds the committee determines will result in adequately funded projects and assigning 0 points to time periods of greater than 30 years, 100 points to the shortest time period and assigning others by proportion based on where their rate falls between 30 years and the shortest time period.

D = an assigned value of 0 to 100 points based on lake depth, determined by assigning 0 points to mean lake depths of less than 4 feet, 100 points to the greatest mean lake depth and assigning others by proportion based on where their mean lake depth falls between 4 feet and the greatest mean depth.

PB = an assigned value of 0 to 100 points based on public benefit, determined by the sum of assigning 50 points to the lake with the greatest number of people living within 50 miles of the lake and 0 points to the lake having the least number of people living within 50 miles of the lake, and assigning 50 points to the lake having no other lakes within 50 miles and 0 points to the lake having the greatest number of lakes within 50 miles and assigning other lakes by proportion based on where each falls between the highest and lowest values in each category.

Watersheds determined for possible recommendation for eligibility for funding under the primary formula shall be rated by adding the following secondary factor to the rating formula: +5(LI)

Where (LI) = an assigned value of 0 to 100 points based on local landowner initiative, determined by the percentage of landowners within each watershed who indicate an intention to utilize program funds within 5 years of initial eligibility and assigning 0 points to the lowest percentage and 100 points to the highest percentage and assigning other lakes by proportion based on where they fall between the highest and lowest percentages.

The tolerance level must be established by the local soil and water conservation district as a prerequisite for recommendation by the review and selection committee.

31.3(4) *Newly constructed lakes.* The review and selection committee shall rate each watershed above newly constructed lakes meeting the surface area and watershed area to surface area requirements under 31.3(3) within three years after final completion of construction. Notwithstanding the rating the committee may elect to recommend eligibility for any such newly constructed lake within five years of final completion of construction.

31.3(5) *Lakes under other programs.* Notwithstanding the rating, the review and selection committee may recommend eligibility for any rated lake which is under any other public or private program for the purpose of lake restoration or watershed erosion control.

571—31.4(456A) Commission review. All watersheds on the list must be approved by the commission. The commission may reject any watershed recommended to be included on the list, approve any watershed for inclusion on the list, or delete any watershed from the list.

All actions affecting the list shall become effective July 1, following their approval by the commission.

These rules are intended to implement Iowa Code section 456A.33A.

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